

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CIELO JEAN GIBSON, JESSICA BURCIAGA,
PAOLA CANAS, URSULA MAYES, JESSA
HINTON, JOANNA KRUPA, SARA
UNDERWOOD, BRITTANY WILCOX,
JESSICA ROCKWELL, SHEENA LEE
WEBER, TAL BERKOVICH, TIFFANY
SELBY, VIDA GUERRA, ALICIA WHITTEN,
ANYA MONZIKOVA, ASHLEY VICKERS,
BROOKE TAYLOR, CARISSA ROSARIO,
CORA SKINNER, EVA PEPAS, IRINA
VORONINA, and JAMILLETTE GIAXIOLA,

Plaintiffs,

- against -

SCE GROUP, INC., d/b/a SIN CITY
CABARET, 21 GROUP, INC., d/b/a SHOW
PALACE GENTLEMEN'S CLUB, and
LAMBROS MOUMOURIS,

Defendants.

Case No. _____

COMPLAINT

(Jury Trial Demanded)

Plaintiffs CIELO JEAN GIBSON, JESSICA BURCIAGA, PAOLA CANAS, URSULA MAYES, JESSA HINTON, JOANNA KRUPA, SARA UNDERWOOD, BRITTANY WILCOX, JESSICA ROCKWELL, SHEENA LEE WEBER, TAL BERKOVICH, TIFFANY SELBY, VIDA GUERRA, ALICIA WHITTEN, ANYA MONZIKOVA, ASHLEY VICKERS, BROOKE TAYLOR, CARISSA ROSARIO, CORA SKINNER, EVA PEPAS, IRINA VORONINA, and JAMILLETTE GIAXIOLA (collectively, "Plaintiffs"), by and through their undersigned counsel, as and for their Complaint against defendants SCE GROUP, INC., d/b/a SIN CITY CABARET, 21 GROUP, INC., d/b/a SHOW PALACE GENTLEMEN'S CLUB, and LAMBROS MOUMOURIS (collectively, "Defendants"), respectfully allege as follows:

BACKGROUND

1. This is an action for damages and injunctive relief relating to Defendants theft, alteration, and unauthorized publication of sexually suggestive images of Plaintiffs, each of whom are world renowned professional models, in order to promote their strip clubs Show Palace Gentleman's Club ("Show Palace") and/or Sin City Cabaret ("Sin City") (collectively, the "Clubs").

2. As detailed below, Defendants theft and unauthorized use of Plaintiffs' images, photos and likenesses (collectively, "Images") constitutes, at minimum: a) violation of section 43 of the Lanham Act, 28 U.S.C. § 1125(a)(1), which prohibits false or misleading use of a person's image for purposes of advertising; b) violation of New York Civil Rights Law §§ 50-51, which protects a person's right to privacy and publicity; c) violation of New York's Deceptive Trade Practices Act (New York G.B.L. §349) which prohibits deceptive business practices; d) defamation, and; e) various common law torts.

3. Although each of the Clubs is owned by a separate corporate entity, the Clubs operate as a single enterprise that, *inter alia*, and as specified below, shares Images of models for purposes of advertising the Clubs on traditional and social media, and has the same management.

4. In addition to the actual, punitive and exemplary damages set forth below, Plaintiffs likewise seek an Order from this Court permanently enjoining Defendants from using their Images to promote any of the Clubs, via any medium.

JURISDICTION & VENUE

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a) insofar as there is complete diversity of the parties to this action, and the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00). This Court also has subject matter jurisdiction

pursuant to 28 U.S.C. § 1331 because Plaintiffs' have stated claims under, *inter alia*, the Lanham Act, 28 U.S.C. § 1125(a)(1).

6. As set forth immediately below, Plaintiffs are, and at all times relevant to this action have been, professional models who reside throughout the United States.¹

7. According to publicly available records, Defendants are two (2) corporations formed under the laws of the State of New York, and the principal of both corporations. Upon information and belief, each of the corporate defendants operates one of the Clubs, one of which is located in Bronx County, New York, and the other of which is located in Queens County, New York.

8. Venue is proper in the United States District Court for the Southern District of New York because Bronx County is the principal place of business for Defendant 21 Group, Inc., and Show Palace is located in Bronx County, New York.

9. All parties have minimum contacts with Bronx or Queens County, and all of the alleged causes of action arose and accrued in Bronx or Queens County, New York.

10. The center of gravity for all relevant events alleged in the complaint is predominately located in Bronx or Queens County, New York.

PARTIES

Plaintiffs

11. Plaintiff Cielo Jean ("CJ") Gibson ("Gibson"), is a well known professional model, and a resident of Los Angeles County, California.

12. Plaintiff Paola Canas ("Canas") is a well known professional model, and a resident of Los Angeles County, California.

13. Plaintiff Jessica Burciaga ("Burciaga") is a well known professional model, and a

¹ No plaintiff resides in New York.

resident of Los Angeles County, California.

14. Plaintiff Ursula Mayes (“Mayes”) is a well known professional model, and a resident of Orange County, California.

15. Plaintiff Jessa Hinton (“Hinton”) is a well known professional model, and a resident of Los Angeles County, California.

16. Plaintiff Joanna Krupa (“Krupa”) is a well known professional model, and a resident of Santa Barbara County, California.

17. Plaintiff Brooke Taylor (“Taylor”) is a well known professional model, and a resident of Santa Barbara County, California.

18. Plaintiff Brittany Wilcox (“Wilcox”) is a resident of Corona County, California.

19. Plaintiff Jessica Rockwell (“Rockwell”) is a well known professional model, and a resident of Los Angeles County, California.

20. Plaintiff Sara Underwood (“Underwood”) is a well known professional model, and a resident of Columbia County, Oregon.

21. Plaintiff Anya Monzikova (“Monzikova”) is a well known professional model, and a resident of Los Angeles County, California.

22. Plaintiff Sheena Lee Weber (“Weber”) is a well known professional model, and a resident of Denton County, Texas.

23. Plaintiff Tal Berkovich (“Berkovitch”) is a well known professional model, and a resident of Los Angeles County, California.

24. Plaintiff Vida Guerra (“Guerra”) is a well known professional model, and a resident of Los Angeles County, California.

25. Plaintiff Eva Pepaj (“Pepaj”) is a well known professional model, and a resident

of Los Angeles County, California.

26. Plaintiff Tiffany Selby (“Selby”) is a well known professional model, and a resident of Duval County, Florida.

27. Plaintiff Irina Voronina (“Voronina”) is a well known professional model, and a resident of Los Angeles County, California.

28. Plaintiff Jamillete Giaxiola (“Giaxola”) is a well known professional model, and a resident of Clark County, Nevada.

29. Plaintiff Ashley Vickers (“Vickers”) is a well known professional model, and a resident of Palm Beach County, California.

30. Plaintiff Carissa Rosario (“Rosario”) is a well known professional model, and a resident of Los Angeles County, California.

31. Plaintiff Cora Skinner (“Skinner”) is a well known professional model, and a resident of Los Angeles County, California.

32. Plaintiff Alicia Whitten (“Whitten”) is a well known professional model, and a resident of Ventura County, California.

Defendants

33. According to publicly available records, Defendant SCE Group, Inc. (“SCE Group”) is a corporation organized under the laws of the State of New York, has a principle place of business at 2520 Park Avenue, Bronx, New York, and operates Sin City, a strip club located in Bronx County, New York.

34. According to publicly available records, Defendant 21 Group, Inc. (“21 Group”) is a corporation organized under the laws of the State of New York , has a principle place of business at 45-20 21st Street, Long Island City, New York, and operates Show Palace, a strip

club located in Queens County, New York.

35. Upon information and belief, defendant Lambros Moumouris (“Moumouris”) is a resident of the State of New York. Mourmouris is identified by the New York Department of State - Division of Corporations, as the Chief Executive Officer of both SCE Group and 21 Group. Upon information and belief, Mourmouris, in his capacity as C.E.O. of both SCE Group and 21 Group, maintains operational control over Show Palace and Sin City, including all advertising relating thereto.

36. Although each of the Clubs is owned by separate corporate entities, the Clubs operate as a single enterprise that, *inter alia*, and as specified below, shares Images of models for purposes of advertising the Clubs on traditional and social media. The fact that these Clubs are part of the same enterprise is underscored by the fact that Mourmouris is the C.E.O. of both corporate defendants.

FACTUAL ALLEGATIONS

37. As set forth immediately below, each Plaintiff is an extremely well known professional model who earns her livelihood modeling and selling her Images to companies, magazines and individuals for the purpose of advertising products and services.

38. Plaintiffs’ careers in the modeling industry place a high degree of value on their good will and reputation, which is critical in order to maximize their earning potential, book modeling contracts, and establish each of their individual brands. In furtherance of establishing, and maintaining, their brands, Plaintiffs are necessarily selective concerning the companies, and brands, for which they model.

39. Each of the Plaintiffs’ Images was misappropriated, and intentionally altered, by one or more of the Defendants in order to make it appear that they worked at or endorsed Show Palace and/or Sin City.

40. In the case of each and every Plaintiff, such appearance was false.

41. Moreover, in each and every case, this misappropriation occurred without any of the Plaintiffs' knowledge, consent or authorization, at no point did any Plaintiff ever receive any remuneration for Defendants' improper and illegal use of their Images, and Defendants' improper and illegal use of Plaintiffs' Images have caused each Plaintiff to suffer substantial damages.

Plaintiffs' Backgrounds and Careers

42. Gibson is an extremely successful model who got her start in the industry when she won the *Import Turner* magazine Model Search. Gibson has a massive motor sport following, and is currently the model for the Falken Drift Team and SBT, Inc. (Short Block Technologies), as well as being a Top Rank Boxing model. Gibson has been seen in the pages of *FHM*, *American Curves* (cover), *Supreme*, *MuscleMag International* and *Muscle & Fitness*, and has over 48,000 Instagram followers.²

43. That we know of, Gibson is depicted in the photos in Exhibit "A", which were published on the Sin City Instagram Page. These images depict Ms. Gibson in sexually suggestive outfits, and were intentionally altered to make it appear that Ms. Gibson was either a stripper working at Sin City, or that she endorses Sin City.

44. Gibson has never been employed at Sin City, has never been hired to endorse Sin City, and has received no remuneration for Sin City's unauthorized use of her Images.

45. Canas is a Colombian-born model, actress, and television host, who over the past 12 years has appeared as a runway model at fashion shows throughout the world, and currently serves as the international face of Curve lingerie. Canas was recently chosen as the face of

² In the modeling industry, the number of online followers a model has is a strong indication of her popularity and, thus, earning potential.

the Masters Gold Tournament in Dubai, and was the image for the “International Surf and Sport expo” in Orlando. She has worked for international brands and labels such as SOHO, KISS underwear, Salon International, Zona Rosa, and Esteban Escobar. She has appeared in numerous TV shows like FOX Sports and on both Telemundo and TV Azteca as herself.

46. That we know of, Canas is depicted in the photos in Exhibit “B” to promote both Sin City and Show Palace. One of these Images depict Canas in a sexually suggestive school uniform outfit beside the copy: “Back to School,” in order to promote the Sin City “Back to School” party. Another Image shows Canas in sexually suggestive military outfit beside the copy: “MILITARY MONDAYS AT SHOWPALACE!! HERE at SHOWPALACE we give back EVERY MONDAY to our service people.” These images were intentionally altered to make it appear as though Canas was either a stripper working at Sin City or Show Palace, or endorsed the Clubs. This false appearance was bolstered by the fact that, in certain iterations of the Image, Canas is show beside what appear to be Sin City employees who are similarly dressed. Thus, it was clearly Sin City’s intention to make it appear as though Canas was in fact a stripper working at Sin City.

47. Canas has never been employed at Sin City or Show Palace, has never been hired to endorse Sin City or Show Palace, and has received no remuneration for Sin City’ or Show Palace’s unauthorized use of her Images.

48. Burciaga is a model and businesswomen, and the owner of Sailor and Saint Clothing line. Burciaga was the *Playboy* Playmate of the Month for February 2009, and has also modeled for *Stuff*, *Maxim*, *EA Sports*, *Import Turner*, *Modified Magazine*, and *Show Latina*, among many others. Burciaga has 1.3 million followers on Instagram and 200k followers on Twitter.

49. That we know of, Burciaga is depicted in the photos in Exhibit “C” in order to promote both Sin City and Show Palace. These images depict Burciaga in a variety of sexually suggestive outfits, and were intentionally altered in order to make it appear that Burciaga is either a stripper working at Sin City or Show Palaces, or endorses Sin City or Show Palace. In one photo Burciaga is depicting wearing nothing more than boxing gloves inviting potential customers to the Sin City “Thanksgiving Boxing Divas.” This photo was clearly meant to suggest to patrons that Burciaga was one of Sin City’s “Boxing Divas.”

50. Burciaga has never been employed at Sin City or Show Palace, has never been hired to endorse Sin City or Show Palace, and has received no remuneration for Sin City or Show Palace’s unauthorized use of her Images.

51. Mayes is a well-known model whose career started with a spread in *Maxim* magazine, and who has appeared in countless publications since then, including *Vogue*, *Elle*, *In Style*, *Cosmopolitan*, *Marie Claire*, and many more. Mayes has appeared on television on *Deal or No Deal*, *Minute To Win It*, *The Tonight Show*, and *The Jay Leno Show*, and has appeared in commercial campaigns for Coronet Diamonds, Volkswagen, Subaru, and Bacardi, to name a few. She was also the cover model and star of the game *Juiced 2: Hot Import Nights*, and likewise serves as a paid spokes model for a global events company.

52. That we know of, Mayes is depicted in the photos in Exhibit “D” in order to promote Sin City and Show Palace. These images depict Mayes in a variety of sexually suggestive outfits, and were intentionally altered in order to make it appear that Mayes was either a stripper working at Sin City or Show Palace, or that she endorsed Sin City or Show Palace. To take just one example, in one photo Mayes is depicted in a sexually suggestive school uniform in order to promote Sin City’s “Back to School Party”, above the copy: “Come hang out with my

beautiful school girls.” The clear implication of these photos is that Mayes was a stripper working at Sin City or Show Palace, or that she endorsed the Clubs.

53. Mayes has never been employed at Sin City or Show Palace, has never been hired to endorse Sin City or Show Palace, and has received no remuneration for Sin City’s or Show Palace’s unauthorized use of her Images.

54. Hinton is a world renowned and highly sought after model, who was the July 2011 *Playboy* Playmate of the Month. Hinton has been active in the entertainment industry since the age of sixteen (16), and has appeared in countless national commercial and television shows. In 2010 Hinton became the face of the Palms Hotel & Casino’s advertising campaign, has hosted the television show *Victory Poker*, has served as the interview personality for *Top Rank Boxing*, and has been the centerpiece of an advertising campaign for Milwaukee’s Best Beer in conjunction with Playboy Enterprises. Hinton has also served as a spokes model for Affliction Clothing, Enzo, Milano Hair Products, REVIV Wellness Spa, Protein World, Rhonda Shear Shapewear, Leg Avenue and Roma Costume, and has been a featured cover model for magazines such as *FHM*, *Kandy*, *MMA Sports*, *Guitar World*, and *Muscle & Fitness*. Her images have likewise appeared on countless billboards, magazines, posters, and multiple forms of electronic media. Ms. Hinton has been named Creative Director for MAJR Media, and she also served as a guest host for the television station KTLA in Los Angeles. In addition, Hinton has earned an elite status as a social media celebrity, with more than 1.1 million followers on Instagram, 872,000 followers on Facebook, and 181,000 followers on Twitter.

55. That we know of, Hinton is depicted in the photos in Exhibit “E” promote various events at Show Palace. Ms. Hinton has appeared on the Show Palace Twitter page, and the Show Palace Facebook page, in sexually suggestive outfits which were intentionally altered in

order to make it appear that Hinton was either a stripper working at Show Palace, or that she endorses Show Palace. In addition, Hinton appeared on the Show Palace Facebook page in a sexually suggestive American flag outfit beside the copy, “MILITARY MONDAYS AT SHOW PALACE!! HERE at SHOWPALACE we give back EVER MONDAY to our service people.” The implication of this photo beside that copy is clearly meant to suggest that Hinton is employed at Show Palace.

56. Hinton has never been employed at Show Palace, has never been hired to endorse Show Palace and has received no remuneration for Show Palace’s unauthorized use of her Images.

57. Krupa is a world renowned model, actress, and television personality. As an actress, Krupa has appeared in the film *Max Havoc: Curse of the Dragon*, and the television show *Superstars*, and also appeared as a contestant on Season 9 of ABC’s *Dancing with the Stars*. In addition, since 2010 Krupa has been head judge of *Poland's Next Top Model*, and is a cast member of Bravo’s *The Real Housewives of Miami*. As a model, Krupa has twice appeared on the cover of *Playboy*. She has also appeared on numerous other magazine covers, including *Personal*, *Steppin' Out*, *Envy*, *Shape*, *FHM*, *Stuff*, *Inside Sport*, *Teeze*, and *Maxim*. Krupa has been named the “Sexiest Swimsuit Model in the World,” and in 2011 Maxim ranked her #55 in its 2011 Hot 100. In 2004-2005, she was voted German's Maxim Model of the Year. Krupa also models for ads with PETA.

58. That we know of, Krupa is depicted in the photos in Exhibit “F” to promote Show Palace on its Facebook and Instagram pages. These images depict Krupa: 1) in sexually suggestive bikini beside the copy: “it’s almost beach time again! Send us your hottest shots to be posted here!”, and 2) in a sexually suggestive evening dress, holding playing cards, beside the

copy: “OUR MOST TALKED ABOUT EVENT IS: SATURDAY NIGHT LAP DANCE POKER! THE BEST HAND WINS A FREE ALL NUDE ROOM WITH ONE OF OUR BEAUTIFUL SHOWPALACE DANCERS.” These images were intentionally altered to make it appear that Krupa was either a stripper working at the club, that she endorsed the club, that she had sent her pictures to Show Palace, or that, whichever Show Palace patron that won “Lap Dance Poker” would win a “free all nude room” with Krupa.

59. Krupa has never been employed at Show Palace, has never been hired to endorse Show Palace and has received no remuneration for Show Palace’s unauthorized use of her Images.

60. Taylor is a world renowned model who has appeared in *Playboy*, *FHM*, *Maxim*, and *Stuff*. She has also appeared in commercials and billboards for Fredrick’s of Hollywood, Coors Light, and Budweiser. Taylor has been also featured in countless other catalogs, magazines, billboards, and television commercials and shows including, most recently, *Viva Glam*.

61. That we know of, Taylor is depicted in the photos in Exhibit “G” to promote Show Palace. These images depict Taylor: 1) in a sexually suggestive baseball uniform beside the copy, “BASEBALL SEASON WINDING DOWN! TAKE ADVANTAGE WHILE IT LASTS!!”, and 2) in a sexually suggestive playing card dress beside the copy, “LAP DANCE POKER! ONLY AT SHOWPALACE Each lap dance earns a playing card. THE BEST HAND WINS A FREE ALL NUDE ROOM WITH ONE OF OUR BEAUTIFUL SHOWPALACE DANCERS!” These images were intentionally altered to make it appear that Taylor was either a stripper working at the club or that she endorsed the club, and appearance bolstered by the copy beside the photos.

62. Taylor has never been employed at Show Palace, has never been hired to endorse

Show Palace and has received no remuneration for Show Palace's unauthorized use of her Images.

63. Rockwell is a model and actress, who has appeared in various movies including *Angry Video Game Nerd: The Movie* (2014), *Immigrants* (2009), and *A Que No Puedes!* (2007). She has also appeared in television shows such as *Sons of Anarchy*, *Entourage*, *Knight Rider*, *Heros*, and others, as well as music videos for Nickelback and Baby Bash. Rockwell has also appeared in catalogs for Dreamgirls Lingerie, No Fear Calendar, and Shift clothing, and as modeled for Hooter's Magazine/Calendar, Extreme RC Car Magazine, and Racer X Magazine as well as many others.

64. Rockwell's sister, Wilcox, is not a professional model, but rather a private citizen and mother, whose picture, along with Rockwell's, was used in Show Palace advertisements.

65. That we know of, Rockwell and Wilcox are depicted in the photos in Exhibit "H" to promote Show Palace on its Facebook page. These images depict Rockwell and Wilcox in sexually suggestive shirts containing the abbreviation for Louisiana State University, "LSU", beside the copy: "COLLEGE GIRLS! Need school money? LADIES! Need to supplement your income? SHOWPALACE PRESENTS: "SO YOU THINK YOU CAN STRIP!" AMATUER GIRLS- ITS TIME TO GET YOUR SEXY ON AND WIN!! \$500 cash ON THE SPOT is up for grabs each and every FRIDAY @ SHOWPALACE." These images were intentionally altered in order to make it appear that Rockwell and Wilcox were either strippers working at Show Palace, that they endorsed the club, or that they had partook in the amateur stripper contest held by Show Palace.

66. Neither Rockwell nor Wilcox has ever been employed at Show Palace or ever been hired to endorse Show Palace, and neither have received remuneration for Show Palace's

unauthorized use of their Images.

67. Underwood is a world famous model whom first appeared on the cover of *Playboy* in October 2005, was *Playboy's* Playmate of the Month for July 2006, and was named *Playboy's* Playmate of the Year for 2007. Underwood has not only been featured in various *Playboy* videos, but has likewise appeared, as herself, in the major motion pictures *The House Bunny* and *Miss March*. She has also appeared on episodes of such reality TV series as *Kendra*, *The Girls Next Door*, and *Bridget's Sexiest Beaches*. Underwood also works regularly in television as a continuity announcer for the Blackbelt TV cable network, and has served as co-host of G4's *Attack of the Show*. Underwood has more than 950,000 Instagram followers, over 465,000 Twitter followers, and nearly 1.4 million followers on Facebook.

68. That we know of, Underwood is depicted in the photo in Exhibit "I" to promote Show Palace. Underwood has appeared on Show Palace Facebook page, in sexually suggestive outfits which were intentionally altered in order to make it appear that Ms. Underwood was either a stripper working at Show Palace, or that she endorses Show Palace.

69. Underwood has never been employed at Show Palace, has never been hired to endorse Show Palace and has received no remuneration for Show Palace's unauthorized use of her Images.

70. Monzikova is a model and actress who has appeared in major motion pictures including *Iron Man 2*, and has been named one of the 100 Most Beautiful People in the World by *People Magazine*. Monzikova started her career on NBC's *Deal or No Deal*, and since that time has appeared in magazines such as *Maxim*, *Cosmopolitan*, *Vogue*, *Runway*, and many others. As an actress, Monzikova has appeared on the television shows *Melissa & Joey*, *Aspen*, *Bones*, *Body of Proof*, *CSI*, *Knight Rider*, *In Plain Sight*, as well as on the national commercial for Gilt.com,

along with many others. Monzikova's film work includes *Zombie Apocalypse*, *Too Little Too Late*, *Somebody Marry Me*, *Seeking Dolly Parton*, *Surrogates* and many more.

71. That we know of, Monzikova is depicted in the photo in Exhibit "J" in order to promote Show Palace. This photo appeared on the Show Palace Facebook page, shows Monzikova in a sexually suggestive baseball uniform, and was intentionally altered in order to make it appear that Monzikova was either a stripper working at Show Palace, that she endorses Show Palace. This appearance is bolstered by the fact that beside the picture of Monzikova is the copy: "AFTER ANY MET GAME, BRING YOUR STUB (TICKET stub, wise guy) TO SHOWPALACE FOR FREE ADMISSION!!!!"

72. Monzikova has never been employed at Show Palace, has never been hired to endorse Show Palace and has received no remuneration for Show Palace's unauthorized use of her Images.

73. Weber is an internationally known model, honors graduate from the Art Institute of Dallas, and currently serves as the Director of Business Development for Harmony Medcare. As a model, Weber has been a *Playboy* Cybergirl of the Month, and has appeared in international editions of *Maxim*, *People*, and *Street Customs Magazine*, to name but a few. In her capacity as a supercross spokesmodel Weber has appeared on the television show "The Reality of Speed," and has likewise served as the SSI spokesmodel "Silspect Shari." Her acting credits include *Harold and Kumar 2* and *The Pool Boys*, among others.

74. That we know of, Weber is depicted in the photo in Exhibit "K" in order to promote Show Palace. This photo appeared on the Show Palace Facebook page, shows Weber in a sexually suggestive outfit, and was intentionally altered in order to make it appear that Weber was either a stripper working at Show Palace, that she endorses Show Palace.

75. Weber has never been employed at Show Palace, has never been hired to endorse Show Palace and has received no remuneration for Show Palace's unauthorized use of her Images.

76. Berkovich is an internationally known Israeli model and actress, who, among her many credits, is currently the worldwide face of Vine Versa cosmetics and Aston Martin. In addition, Berkovich can also be currently seen in commercials for both Old Spice and Bose.

77. That we know of, Berkovich is depicted in the photo in Exhibit "L" in order to promote Show Palace. This photo appeared on the Show Palace Facebook page, shows Berkovich in sexually suggestive outfit, holding a telephone, and was intentionally altered in order to make it appear that Berkovich was either a stripper working at Show Palace or that she endorses Show Palace. This appearance is bolstered by the fact that beside the picture of Berkovich with a telephone is the copy: "USE YOUR phone to text the word "SHOWPALACE" to 25827 on your smartphone and gets[sic] offers and updates in order to be included on everything we do --"

78. Berkovich has never been employed at Show Palace, has never been hired to endorse Show Palace and has received no remuneration for Show Palace's unauthorized use of her Images.

79. Guerra is a Cuban-born actress and model who has been named FHM's Model of the Year, and has appeared in music videos for artists such as Kanye West and Nelly. In addition to her appearances in *FHM* – which voted her Number 26 in that its "Top 100 Sexiest Females" list -- Guerra has appeared in various other magazines, including *DUB*, *Smooth*, *Escape*, and *Open Your Eyes*. As an actress, Guerra has made multiple appearances on several Spanish language television programs, including, *El Gordo y la Flaca*, on Comedy Central's *The*

Chappelle Show, in *National Lampoon's Dorm Daze 2*, and in commercials for various companies, including Burger King. Guerra also appeared in the video game *Scarface: The World Is Yours*. In addition to her modeling and acting endeavors, Ms. Guerra has produced her own swimsuit calendars (and accompanying "behind the scenes" DVDs), as well as and a 2006 DVD entitled, *Vida Guerra: Exposed*. Guerra is in high demand as a spokeswoman for fitness equipment, and in television shows and movies, and has over 260,000 Instagram followers.

80. That we know of, Ms. Guerra is depicted in the photos in Exhibit "M" in order to promote Show Palace. These appeared on the Show Palace Facebook page, show Guerra in sexually suggestive outfits, and were intentionally altered in order to make it appear that Guerra was either a stripper working at Show Palace, or that she endorses Show Palace. This appearance is bolstered by the fact that beside a picture of Guerra in a camouflage bikini is the copy: "MILITARY MONDAYS AT SHOWPALACE.... HERE at SHOWPALACE we give back EVERY MONDAY where your current or past military I.D. gets you in free!"

81. Guerra has never been employed at Show Palace, has never been hired to endorse Show Palace and has received no remuneration for Show Palace's unauthorized use of her Images.

82. Pepaj is a successful and highly in demand runway and high fashion model, who has appeared in many print campaigns, and commercials for products such as Diet Coke. Pepaj has also appeared in the films: *The Hand Off*, *Interior*, *Leather Bar*, *The Romp*, and on HBO's *True Detective*.

83. That we know of, Pepaj is depicted in the photos in Exhibit "N" in order to promote Show Palace. These appeared on the Show Palace Facebook page, show Pepaj in sexually suggestive outfits containing the images of playing cards, and were intentionally altered

in order to make it appear that Pepaj was either a stripper working at Show Palace, or that she endorses Show Palace. This appearance is bolstered by the fact that beside both of these pictures is the copy: “LAP DANCE POKER! ONLY AT SHOWPALACE THE BEST HAND WINS A FREE ALL NUDE ROOM WITH ONE OF OUR BEAUTIFUL SHOWPALACE DANCERS!”

84. Pepaj has never been employed at Show Palace, has never been hired to endorse Show Palace and has received no remuneration for Show Palace’s unauthorized use of her Images.

85. Selby is a well known model and actress, the *Playboy* Playmate of the Month for July 2007, and has appeared on many television shows, including: *The Girl’s Next Door*, *Bikini Destinations*, *Poor Man’s Bikini Beach* (which she hosted), *Last Comic Standing* (model), and *Deal or No Deal* (case model). Selby has likewise appeared in commercials for brands such as Guitar Hero 5 (with Hugh Hefner), Ab Lounge, and Reflections Boutique, and has appeared in countless magazines and catalogs. Selby has also served as a spokesmodel for brands including Budweiser, Suzuki and Bang Vodka, and done additional promotional work on behalf of Skoal Promotion, Stacker 2 Promotion, Hawaiian Tropic Promotion, and Guitar Center Grand Opening. In addition, Ms. Selby has twice been named Miss Hawaiian Tropic.

86. That we know of, Selby is depicted in the photos in Exhibit “O” in order to promote the Show Palace pre-Thanksgiving Day party. This photo appeared on the Show Palace Facebook page, shows Selby in a sexually suggestive outfit, and were intentionally altered in order to make it appear that Selby was either a stripper working at Show Palace, or that she endorses Show Palace.

87. Selby has never been employed at Show Palace, has never been hired to endorse

Show Palace and has received no remuneration for Show Palace's unauthorized use of her Images.

88. Voronina is an internationally renowned model and actress and *Playboy* Playmate of the Month for January 2001. Voronina has modeled for international brands including SKYY Vodka, Miller Lite, Michelob Ultra, Bacardi, Sisley & Detour, to name but a few. Voronina has millions of visual impressions around the globe via the covers and pages of worldwide magazines including: FHM, Maxim, Playboy (in 20 countries), Max (Italy), Ocean, Shape, 944, Knock- out, Q (UK), People (Australia), and most recently Kandy, Rukus, Vape and Browz magazines. In addition to being a model, she has appeared on various television programs and films, and has more than 2.3 million followers on Facebook, Instagram, Twitter and YouTube.

89. That we know of, Voronina is depicted in the photos in Exhibit "P" in order to promote Show Palace. These appeared on the Show Palace Facebook page, show Voronina in a sexually suggestive nurse outfit, and were intentionally altered to make it appear that Voronina was a stripper working at Show Palace, or endorsed Show Palace.

90. Voronina has never been employed at Show Palace, has never been hired to endorse Show Palace and has received no remuneration for Show Palace's unauthorized use of her Images.

91. Gaxiola is a former Miss Cuba, who has worked for a variety of international brands including Reebok, Hurley, Guess Jeans, Victoria Secret, Nike, MAC Cosmetics, Roberto Cavalli, Naeem Khan, Paul Marciano, Fendi, Saks Fifth Avenue and Niemen Marcus, and has appeared in *GQ*, *Maxim* (Australia), *Open*, and *Esquire*. She has appeared in the Miss Cuba Grand International, and Miss Cuba International, beauty pageants, and is currently the face of UFC.

92. That we know of, Glaxiola is depicted in the photo in Exhibit “Q” in order to promote Show Palace. These appeared on the Show Palace Facebook page, show Glaxiola in a sexually suggestive basketball uniform, and were intentionally altered in order to make it appear that Glaxiola was either a stripper working at Show Palace, or that she endorses Show Palace. This appearance is bolstered by the fact that beside a picture of Glaxiola in a basketball uniform is the copy: “SEXY BABES AND BASKETBALL!!! What better place to watch than with the most beautiful and sexy girls in NYC?”

93. Glaxiola has never been employed at Show Palace, has never been hired to endorse Show Palace and has received no remuneration for Show Palace’s unauthorized use of her Images.

94. Vickers is a well-known model who has served as a spokesperson for NASCAR, NHRA, and International Auto Show. Vickers has served as the emcee for the NBA’s Memphis Grizzlies, and in 2010 competed in *Maxim’s* Hometown Hottie Contest, where she made the Top Ten. Vickers later hosted WWE: NXT on SyFy, and WWE: Smackdown on USA, which had over 4 million viewers worldwide. She is also an actress, who recently completed her first feature film, *A Fine Step*. Finally, Vickers is an award winning public speaker for the Future Business Leaders of America and Florida Cattlewomen’s Association, and has extensive motivational speaking experience and hopes to one day become a full time motivational speaker for college kids.

95. That we know of, Vickers is depicted in the photo in Exhibit “R” in order to promote Show Palace. This photo appeared on the Show Palace Facebook page, shows Vickers in a sexually suggestive outfit, and was intentionally altered in order to make it appear that Vickers was either a stripper working at Show Palace, or that she endorses Show Palace.

96. Vickers has never been employed at Show Palace, has never been hired to endorse Show Palace and has received no remuneration for Show Palace's unauthorized use of her Images.

97. Rosario is an internationally known model who has appeared in *Maxim*, *FHM*, *GQ* and *Vogue*. Rosario has also done has done commercials for Budweiser and Comcast, and is a spokesperson for Monster Energy Drinks, Protein World, and Budweiser. Rosario also has her own perfume line, and is extraordinarily well known in the Social Media world, with over 710,000 Facebook followers, 360,000 Instagram followers, and 122,000 Twitter followers.

98. That we know of, Rosario is depicted in the photos in Exhibit "S" in order to promote Show Palace. This photo appeared on the Show Palace Facebook page, shows Rosario in a sexually suggestive outfit, and was intentionally altered in order to make it appear that Rosario was either a stripper working at Show Palace, that she endorses Show Palace. This appearance is bolstered by the fact that, beside the picture of Rosario is the copy: "2\$ LAP DANCE AT 2! At 2 AM every SATURDAY we will unleash ALL OUR GIRLS on the audience at once for only TWO DOLLARS!!!"

99. Rosario has never been employed at Show Palace, has never been hired to endorse Show Palace and has received no remuneration for Show Palace's unauthorized use of her Images.

100. Skinner is a model and actress who has appeared on *CSI: Miami*, *Rules of Engagement*, *Shark*, *Las Vegas*, and *The Tonight Show*. Skinner has also modeled for a variety of internationally known brands, including Sketchers, Nordstrom, Fredericks of Hollywood, Tecate, Skky Vodka, and Muscle & Fitness, and has appeared in music videos for the likes of Def Leppard. In addition, Ms. Skinner has appeared in *Maxim*, in both the United States, and

various European versions, the *Playboy* lingerie catalog (to name just a few of her campaigns), and has her own set of Bench Warmer trading cards.

101. That we know of, Skinner is depicted in the photos in Exhibit “T” in order to promote Show Palace. These photos, which appeared on the Show Palace Facebook page, show Skinner in a variety of sexually suggestive outfits, and were intentionally altered in order to make it appear that Skinner was either a stripper working at Show Palace, that she endorses Show Palace. This appearance is bolstered by the fact that, to take just one example, beside the picture of Skinner in lingerie and a Santa hat is the copy: “Christmas...it’s only a month away! Come see out [sic] little elves, they’ll help with the wishes!”

102. Skinner has never been employed at Show Palace, has never been hired to endorse Show Palace and has received no remuneration for Show Palace’s unauthorized use of her Images.

103. Whitten is a professional model, actress and TV host who has appeared in *Maxim*, *Super Street*, *Modified Magazine*, *DSport*, *Pasmag*, *Super Street Bike*, and countless other editorials. Whitten has appeared in over a dozen calendars and fifteen magazine covers, and has been a spokesmodel for Nos Energy drink. She has also appeared advertisements for Dodge.

104. That we know of, Whitten is depicted in the photos in Exhibit “U” in order to promote Show Palace. These photos, which appeared on the Show Palace Facebook page, show Whitten in a sexually suggestive outfit, and were intentionally altered in order to make it appear that Whitten was either a stripper working at Show Palace or that she endorses Show Palace.

105. Whitten has never been employed at Show Palace, has never been hired to endorse Show Palace and has received no remuneration for Show Palace’s unauthorized use of her Images.

Defendants' Business

SCE Group

106. Upon information and belief, SCE Group operates Sin City, where it engages in the business of selling alcohol and food in an atmosphere where nude and/or semi-nude women entertain the business' clientele.

107. Upon information and belief, and in furtherance of its promotion of Sin City, SCE Group owns, operates and controls the Sin City website, located at www.sincitynewyork.com (hereinafter, the "Sin City website"). In addition, and upon information and belief, SCE Group owns, operates, and controls the Sin City Facebook, Twitter, and Instagram accounts.

108. SCE Group uses the Sin City website, and the Sin City Facebook, Twitter, and Instagram accounts, to promote Sin City, and attract patrons to Sin City.

109. SCE Group does this for its own commercial and financial benefit.

110. SCE Group has used, advertised, created, printed and distributed the Images of Plaintiffs, as further described and identified above, in order to create the false impression with potential clientele that these Plaintiffs either worked as strippers at Sin City, or endorsed Sin City.

111. SCE Group used Plaintiffs' Images, and created the false impression that they worked at or endorsed Sin City in order to receive certain benefits therefrom, including but not limited to: monetary payments; increased promotional, advertising, marketing, and other public relations benefits; notoriety; publicity; as well as an increase in business revenue, profits, proceeds, and income.

112. As SCE Group was at all times aware, at no point has any of the above named Plaintiffs ever been affiliated with or employed by Sin City, and at no point have any of the

Plaintiffs ever endorsed Sin City.

113. All of SCE Group's activities, including its theft of Plaintiffs' Images, and publication of same, were done without the knowledge or consent of Plaintiffs, and SCE Group did not compensate Plaintiffs for its use of their Images.

114. As such, Plaintiffs have never received any benefit for SCE Group's use of their Images.

21 Group

115. Upon information and belief, 21 Group operates Show Palace, where it engages in the business of selling alcohol and food in an atmosphere where nude and/or semi-nude women entertain the business' clientele.

116. Upon information and belief, and in furtherance of its promotion of Show Palace, 21 Group owns, operates and controls the Show Palace website, located at www.showpalaceny.com (hereinafter, the "Show Palace website"). In addition, and upon information and belief, 21 Group owns, operates, and controls the Show Palace Facebook, Twitter, and Instagram accounts.

117. 21 Group uses the Show Palace website, and the Show Palace Facebook, Twitter, and Instagram accounts, to promote Show Palace, and attract patrons to Show Palace.

118. 21 Group does this for its own commercial and financial benefit.

119. 21 Group has used, advertised, created, printed and distributed the Images of Plaintiffs, as further described and identified above, in order to create the false impression with potential clientele that these Plaintiffs either worked as strippers at Show Palace, or endorsed Show Palace.

120. 21 Group used Plaintiffs' Images, and created the false impression that they

worked at or endorsed Sin City in order to receive certain benefits therefrom, including but not limited to: monetary payments; increased promotional, advertising, marketing, and other public relations benefits; notoriety; publicity; as well as an increase in business revenue, profits, proceeds, and income.

121. As 21 Group was at all times aware, at no point has any of the above named Plaintiffs ever been affiliated with or employed by Show Palace, and at no point have any of the Plaintiffs ever endorsed Show Palace.

122. All of 21 Group's activities, including its theft of Plaintiffs' Images, and publication of same, were done without the knowledge or consent of Plaintiffs, and 21 Group did not compensate Plaintiffs for its use of their Images.

123. As such, Plaintiffs have never received any benefit for 21 Group's use of their Images.

Standard Business Practices in the Modeling Industry

124. It is common knowledge in the modeling industry that the hiring of a model for a commercial purpose involves a particularized methodology and process.

125. The fee that a professional model, such as each of the Plaintiffs, will receive is negotiated by her agency, and involves consideration of, without limitation, at least the following factors: a) the reputation, earning capacity, experience, and demand of that particular model; b) the location where the photo shoot takes place, and the length thereof; c) where and how the images are going to be used by the client (*e.g.*, company website, social media, television commercials, billboards or posters), known as "usage"; and, d) the length of time (known as the "term") the rights to use the photos will be assigned. Most licenses to use a model's image are for 1, 2, or 3 year terms; but almost never is there a "lifetime" term.

Defendant's Theft of Plaintiff's Images

126. As detailed above, Defendants knowingly, and without the prior consent of any of the Plaintiffs, invaded Plaintiffs privacy by using Plaintiffs Images for commercial purposes in order to promote their Clubs by and through various marketing and promotional mediums including, without limitation, the Clubs' Websites, Twitter, Facebook, and Instagram.

127. Defendants showcased Plaintiffs' Images on the Clubs' Websites in order to create the false impression that Plaintiffs worked at one or more of the Clubs, or endorsed one or more of the Clubs.

128. Defendants did so in order to attract clientele to their Clubs, promote their Clubs, and thereby generate revenue for Defendants.

129. Defendants were aware that, by using Plaintiffs' Images, they were violating Plaintiffs' right to privacy, Plaintiffs' right of publicity, and creating a false impression to potential customers that Plaintiffs worked at and/or endorsed one or more of the Clubs.

130. Plaintiffs allege that any improper or unauthorized use of their Images substantially injures their careers. This is especially so insofar as each of Plaintiffs' Images have been associated with a strip club, and the implication of Defendants' use of Plaintiffs' Images is that they are each strippers.

131. At no point were any of the Plaintiffs ever affiliated with any of the Clubs, or Defendants.

132. Each of Plaintiffs' Images was used without her consent.

133. At no point was any Plaintiff ever contacted by any Defendant, or any representative of any of the Defendants, to request the use of any of Plaintiffs' Images.

134. No Defendant ever obtained, either directly or indirectly, permission to use any of

Plaintiffs' Images.

135. No Defendant ever paid any Plaintiff for its use of her Images on any promotional materials, including the Clubs' Websites, Twitter, Facebook, or Instagram accounts.

136. Defendants used Plaintiffs' Images without their consent, and without providing remuneration, in order to permanently deprive each of the Plaintiffs of her right to use her Images.

137. Upon information and belief, Defendants have taken the foregoing actions with the intent of causing irreparable harm to each of the Plaintiffs.

FIRST CAUSE OF ACTION
**(Violation of §43 of the Lanham Act, 15 U.S.C. §1125 *et seq.*:
False Endorsement)**

138. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

139. The provisions of the Lanham Act, 215 U.S.C. §1125 *et seq.* apply to Defendants and protect Plaintiffs from the conduct described herein.

140. Defendants used Plaintiffs Images in order, *inter alia*, in order to create the false impression with the public that Plaintiffs either worked at one or more of the Clubs, or endorsed one of more of the Clubs.

141. This was done to promote and attract clientele to the Clubs, and thereby generate revenue for the Defendants.

142. Thus, this was done in furtherance of Defendants' commercial benefit.

143. Despite the fact that Defendants were at all times aware that the Plaintiffs neither worked at, nor endorsed, the Clubs, Defendants nevertheless used Plaintiffs Images in order to mislead potential customers as to Plaintiff's employment at and/or affiliation with the Clubs.

144. Defendants knew that their use of Plaintiffs' Images would cause consumer confusion as to Plaintiffs' sponsorship and/or employment at the Clubs.

145. Upon information and belief, Defendants use of Plaintiffs' Images did in fact cause consumer confusion as to Plaintiffs employment at and/or endorsement of the Clubs, and the goods and services provided by the Clubs.

146. Due to Defendants unauthorized use of Plaintiffs' Images in order to create a false endorsement prohibited by section 43 of the Lanham Act, Plaintiffs has been damaged in an amount to be determined at trial, but in all events not less than seventy five thousand dollars (\$75,000), exclusive of punitive and exemplary damages.

SECOND CAUSE OF ACTION
(Violation of N.Y. Civ. Rights Law §§ 50-51)

147. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

148. As set forth herein, Defendants have violated N.Y. Civil Rights Law §§ 50-51 by invading Plaintiffs' privacy, misappropriating their likeness, and publishing on the Clubs' websites or related social media accounts altered Images of Plaintiffs which made it appear as though Plaintiffs were employed at one or more of the Clubs, or endorsed one or more of the Clubs.

149. At all relevant times, the Clubs' websites and social media accounts were used and operated by Defendants for advertising and trade purposes.

150. The Clubs' websites and social media accounts were designed to attract business to the Clubs and generate revenue for Defendants.

151. Upon information and belief, Defendants use of Plaintiffs' Images did in fact attract clientele and generate business for the Clubs.

152. At no point did any Defendant ever receive permission or consent, be it written or otherwise, to use any Plaintiffs' Image on their website or social media account.

153. Defendants were at all relevant times aware that they never received any Plaintiffs' permission or consent to use their Images on any website or social media account, or on any other medium, in order to promote the Clubs.

154. At no point did Defendants ever compensate Plaintiffs for its use of their Images.

155. No applicable privilege or authorization exists for Defendants' use of Plaintiffs' Images.

156. Due to Defendants' violation of Plaintiffs' rights of privacy and publicity under sections 50 and 51 of the N.Y. Civil Rights Act, Plaintiffs has been damaged in an amount to be determined at trial, but in all events not less than seventy-five thousand dollars (\$75,000.00), exclusive of punitive and exemplary damages.

157. In addition, and pursuant to section 51 of the N.Y. Civil Rights Act, Plaintiffs hereby requests an Order permanently enjoining Defendants from violating Plaintiffs' right to privacy and publicity.

158. In addition, and likewise pursuant to section 51 of the N.Y. Civil Rights Act, Plaintiffs hereby request an award of punitive damages, in an amount to be determined at trial, due to Defendants knowing and intentional violation of their statutory rights to privacy and publicity.

THIRD CAUSE OF ACTION
(Violation of N.Y. General Business Law § 349:
N.Y. Deceptive Trade Practices Act)

159. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

160. Defendant operated the Clubs' websites and social media accounts in order to promote the Clubs, to attract clientele thereto, and to thereby generate revenue for Defendants. As such, Defendants' operation of the websites and social media accounts, and their publication of Images thereon, was consumer-oriented in nature.

161. Defendants published Plaintiffs' Images on the Clubs' websites and social media accounts in order to create the false impression that Plaintiffs were either strippers working at the Clubs, or endorsed the Clubs.

162. As such, Defendants' intent in publishing Plaintiffs' Images was to mislead the public as to Plaintiffs' employment at and/or affiliation with the Clubs.

163. As Defendant were at all times aware, Plaintiffs never worked at any of the Clubs, never endorsed any of the Clubs, and never had any affiliation with any of the Clubs.

164. Defendants' publication of Plaintiffs' Images was done without any Plaintiffs' consent and was misleading in a material respect because it created the impression that Plaintiffs were strippers working at the Clubs, or endorsed the Clubs.

165. As a result of Defendants' unauthorized and misleading publication of Plaintiffs' Images on their Club websites and social media accounts, each of the Plaintiffs' reputations was injured, and each of the Plaintiffs' ability to market herself as a model was injured.

166. As a result of Defendants' unauthorized and misleading use of Plaintiffs' Images, Plaintiffs have been injured in an amount to be determined at trial, but in all events in an amount not less than seventy-five thousand dollars (\$75,000), exclusive of punitive and exemplary damages.

FOURTH CAUSE OF ACTION
(Defamation)

167. Plaintiffs hereby repeat and reallege each and every allegation set forth in the

preceding paragraphs as if fully set forth herein.

168. As detailed throughout this Complaint, Defendants have published altered Images of Plaintiffs in order to promote their Clubs to the general public and potential clientele.

169. Defendants' publication of said Images constitutes a representation that Plaintiffs was either employed by one or more of the Clubs, that they endorsed one or more of the Clubs, or that they had some affiliation with one or more of the Clubs.

170. None of these representations were true.

171. In publishing Plaintiffs' altered Images, it was Defendants' intention to create a false impression to the general public that Plaintiffs were strippers working at the Clubs, or endorsed the Clubs.

172. Defendants were at least negligent in publishing Plaintiffs' Images because they knew, or should have known, that Plaintiffs were not employed by the Clubs, had no affiliation with the Clubs, had not consented to the use of their Images, and had not been compensated for the use of their Images.

173. In the alternative, Defendants published the Images of Plaintiffs with actual malice because they knew that Plaintiffs were not employed by the Clubs, had no affiliation with the Clubs, had not consented to the use of their Images, and had not been compensated for the use of their Images.

174. Despite Defendants' knowledge and awareness of these facts, they nevertheless made the decision to publish Plaintiffs' Images to attract clientele and generate revenue for themselves.

175. Defendants' publication of Plaintiffs' Images constitutes defamation under New York law because said publication falsely accuses Plaintiff of having acted in a manner – *i.e.*,

working as a stripper and/or endorsing a strip club - which would subject each Plaintiff to hatred, shame, obloquy, contumely, odium, contempt, ridicule, aversion, ostracism, degradation, or disgrace, and/or could induce an evil opinion of Plaintiffs in the minds of right-thinking persons, and/or could deprive each Plaintiff of confidence and friendly intercourse in society.

176. Defendants' publication of Plaintiffs' Images likewise constitutes defamation *per se* under New York law because said publication would tend to injure each Plaintiff in her trade, business, and profession as a professional model.

177. This is because any company or brand that sought to hire any of the Plaintiffs as a company or brand representative would be less likely to do so upon learning that she was a professional stripper and/or promoting as strip club, an inference which Defendants' publication of the Images support.

178. Defendants' publication of Plaintiffs' Images likewise constitutes defamation *per se* under New York law because, insofar as said publication falsely portrays each of the Plaintiffs as a stripper, it imputes unchastity to her.

179. Defendants' publication of Plaintiffs' Image' caused Plaintiffs to suffer damages in an amount to be determined at trial, but in all events in an amount not less than seventy five thousand (\$75,000), exclusive of punitive and exemplary damages.

FIFTH CAUSE OF ACTION
(Negligence and *Respondeat Superior*)

180. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

181. Upon information and belief, Defendants were negligent in their failure to promulgate policies and procedures concerning the misappropriation of the Images of models that were used on the Clubs' websites and social media accounts.

182. Said failure was the proximate cause of the harm Plaintiffs suffered when their Images were published without their authorization.

183. In the alternative, and upon information and belief, although Defendants promulgated policies and procedures concerning the misappropriation of Images, Defendants nevertheless negligently failed to enforce those policies, communicate them to employees, and/or supervise their employees in order to ensure that these policies, along with Federal and New York law, were not violated.

184. In addition, Defendants had a duty to refrain from appropriating the Images of those with whom it had not contracted, and had not paid.

185. Defendants violated said duty by its negligent hiring, screening, retaining, supervising, and/or training of its employees and agents.

186. As a result of Defendants' negligence, Plaintiffs have suffered damages in an amount to be determined at trial, but which in all events are in excess of seventy five thousand dollars (\$75,000), exclusive of punitive and exemplary damages.

SIXTH CAUSE OF ACTION
(Conversion)

187. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

188. Each Plaintiff is, and at all relevant times were, the exclusive owners of all right, title and interest in their Images, and have property interests therein.

189. By the conduct detailed above, Defendants converted Plaintiffs' property rights in their Images for their own use and financial gain Images for its own use and financial gain.

190. As a result of Defendants' unlawful conversion of Plaintiffs' Images, and publication of same, Plaintiffs have suffered damages in an amount to be determined at trial, but

in all events in an amount not less than seventy five thousand (\$75,000), exclusive of punitive and exemplary damages.

SEVENTH CAUSE OF ACTION
(Unjust Enrichment)

191. Plaintiffs hereby repeat and realleges each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

192. As set forth in detail above, Defendants published Plaintiffs' Images in order to promote the Clubs to the general public and potential clientele.

193. Defendants' publication was for the purpose of creating a false impression to the general public that Plaintiffs were either strippers working at the Clubs, or endorsed the Clubs.

194. Defendants' purpose in publishing Plaintiffs' Images was to benefit commercially due to their purported association with, employment of, and/or endorsement by Plaintiffs.

195. Upon information and belief, Defendants did in fact benefit commercially due to their unauthorized use of Plaintiffs' Images.

196. Defendants have been enriched by their unauthorized control over, and publication of, Plaintiffs' Image because said publication has assisted Defendants in attracting clientele to their Clubs.

197. Plaintiffs have not been compensated for Defendants' commercial exploitation of their Images, and thus any financial benefit which Defendants received due to said exploitation is unjust.

198. As such, Plaintiffs have been damaged in an amount to be determined at trial, but in all events in an amount not less than seventy five thousand (\$75,000), exclusive of punitive and exemplary damages.

EIGHTH CAUSE OF ACTION
(Quantum Meruit)

199. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

200. Plaintiffs are each world famous models who earn their livings appearing in, *inter alia*, commercials, advertisements, and publications on behalf of companies and brands.

201. Companies and brands that choose to hire Plaintiffs compensate them for their appearances.

202. Although Defendants have availed themselves of the benefit of being associated with Plaintiffs, and making it appear to potential customers that Plaintiffs either work at their Club, or endorse their Club, Defendants have not compensated Plaintiffs.

203. Plaintiff is therefore entitled to reasonable compensation for the Clubs' unauthorized use of their Images.

DEMAND FOR JURY TRIAL

204. Plaintiffs demand trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request Judgment in their favor and against Defendants as follows:

(a) For actual damages, in an amount to be determined at trial, but in all events not less than seventy-five thousand dollars (\$75,000.00), relating to Plaintiffs' first through eighth causes of action;

(b) For an order permanently enjoining Defendants from using Plaintiffs' Images to promote the Clubs;

(c) For punitive damages, in an amount to be determined at trial;

(d) For all costs and attorneys' fees incurred by Plaintiffs in the prosecution of this
Action;

(e) For such other and further relief as the Court may deem just and proper.

Dated: New York, New York
October 16, 2015

THE CASAS LAW FIRM, P.C.

By: /s/ John V. Golaszewski
John V. Golaszewski, Esq.
1745 Broadway, 17th Floor
New York, New York
T: 855.267.4457
F: 855.220.9626

Attorneys for Plaintiffs